

UTAH TRANSPORTATION COMMISSION MEETING

Friday, October 11, 2013 – 8:30 a.m.
Grand County Council Chambers
125 East Center Street
Moab, UT
801-965-4103

AGENDA

- ITEM 1. APPROVAL OF MINUTES
- ITEM 2. LOCAL AREA PRESENTATION BY REGION FOUR
- ITEM 3. PUBLIC COMMENTS
- ITEM 4. UDOT SCOREBOARD
- ITEM 5. PLANNING AND PROGRAMMING
2014 STIP Amendment #1
 - A. Programming Funding Adjustments at Award
 - B. Programming Funding Adjustments at Post Construction
 - C. SR-9; Arch Bridge to 500 North in LaVerkin – New Project
 - D. Federal Lands Access Program Projects – Add to STIP
 - E. Federal Funding Exchange in Region One
- ITEM 6. ADMINISTRATIVE RULE REVIEW
 - A. R-907-1-6 Administrative Procedures for Motor Carrier Actions
 - B. R926-11 Clean Fuel Vehicle Decal Program
 - C. R926-14 Utah Scenic Byway Program Administration; Scenic Byways Designation, Re-designation, and Segmentation Processes
 - D. R-930-6 Access Management
- ITEM 7. REQUEST FOR USE OF CORRIDOR PRESERVATION FUNDS
 - A. Robert Law – West Davis Corridor
 - B. LeRoy Elkert & Mike Longley – SR-9 Corridor
- ITEM 8. UDOT PROPERTY EXCHANGE
 - A. Gary McDougal – Mountain View Corridor
- ITEM 9. INFORMATIONAL ITEMS
 - A. FHWA Report
 - B. Commission Committee Reports
 - C. Upcoming Transportation Commission Meetings
 - November 14-15, 2013 – Tooele
 - December 6, 2013 – Salt Lake City

**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item: 1

Subject: Approval of Minutes

Background:

Exhibits:

September 12, 2013 – UDOT/Commission Tour
September 12, 2013 – Staff Update Meeting
September 13, 2013 – Commission Meeting

Commission Action Requested:

Approval of Minutes

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 2

Agenda Item Title: Local Area Presentation by Region Four

Presented by: Rick Torgerson

Background:

Region Four will give a presentation on recently completed projects, current projects, and upcoming projects in the local area.

Exhibits/Handouts:

Audio/Visual: PowerPoint Presentation

Commission Action Requested:

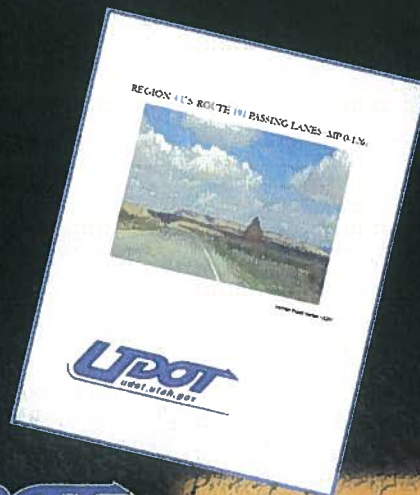
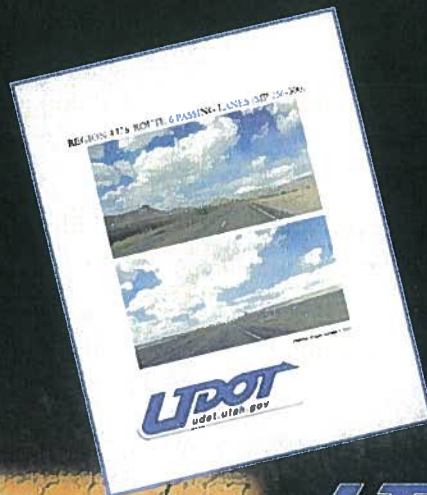
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Local Area Presentation

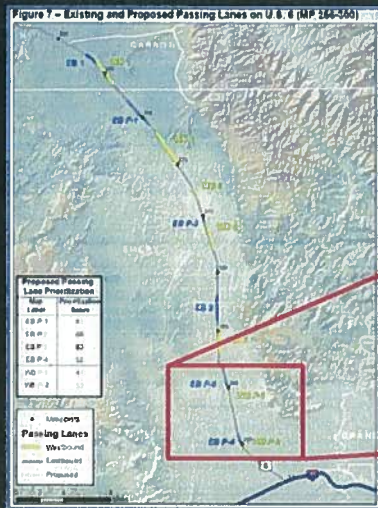
October 11, 2013
Moab, Utah



US-6 and US-191 Passing Lane Studies

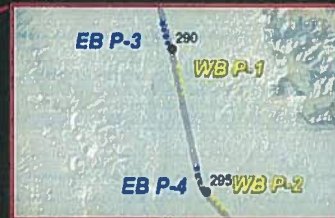


US-6 Findings



Identified:

- Current
- Proposed
- Improvements



US-6 Recommendations

Table 1 - U.S. 6 Recommended New Passing Lanes

Direction	Map Label (Figure 7)	Begin MP	End MP	Total Length (miles)	Comments	Prioritization Score
Eastbound	EB P-1	263.0	266.0	3.0	Start after culvert. Not steep, but a sustained grade	61
	EB P-2	275.0	276.0	1.0	Not steep, but a sustained grade	68
	EB P-3	289.0	290.0	1.0	Straight and flat	63
	EB P-4	294.0	295.0	1.0	Some grade	52
Westbound	WB P-1	290.7	291.7	1.0	Straight and flat	47
	WB P-2	295.0	296.0	1.0	Flat	53

2015 - \$6 M

2017 - \$9 M

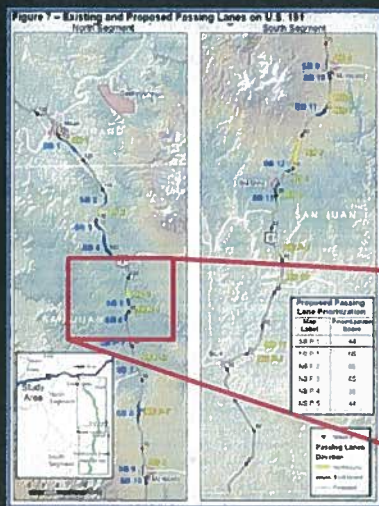
Table 2 - U.S. 6 Recommended Improvements to Existing Passing Lanes

Direction	Map Label (Figure 7)	Begin MP	End MP	Improvements
Westbound	WB 1	258.5	261.2	Extend to approximately MP 262

Unfunded



US-191 Findings



Identified:

- Current
- Proposed
- Improvements



US-191 Recommendations

Table 1 - U.S. 191 Recommended New Passing Lanes

Direction	Map Label (Figure 7)	Begin MP	End MP	Total Length (miles)	Comments	Prioritization Score
Southbound	SB P-1	90.3	91.3	1.0	Start after access (FAU 2448). Straight, long, steady grade	44
Northbound	NB P-1	95.5	96.0	0.5	Start after guard rail	66
	NB P-2	86.8	88.3	1.5	Longer, gentler grade	65
	NB P-3	80.0	81.0	1.0	Downhill passing lane	65
	NB P-4	41.0	42.0	1.0	Longer, gentler grade	35
	NB P-5	26.0	27.0	1.0	Traveling north out of Bluff. Very steep. Limited room for widening	44

Unfunded

2017 - \$6 M

Unfunded

*South Moab to Blue Hill project is top ranking Region Choke Point Project for 2017



US-191 Recommendations Cont.

Table 2 – U.S. 191 Recommended Improvements to Existing Passing Lanes

Direction	Map Label (Figure 7)	Begin MP	End MP	Improvements
Southbound	SB 3	108.5	109.8	Extend to approximately MP 110.1
	SB 6	93.7	94.5	Extend over hill and possibly to access to Canyon Rims Recreational Area
	SB 7	86.5	86.7	Extend over hill and past S.R. 211 access
	SB 8	79.2	81.5	Extend over hill to approximately MP 79
	SB 10	70.1	70.8	Extend to approximately MP 69. Consider structure costs.
Northbound	NB 5 & NB 6			Connect these two passing lanes
	NB 5	66.9	67.8	Extend to approximately MP 68. Consider structure costs.

Unfunded

*US-191; Passing Lane MP 86.1 to MP 86.5 extending existing passing lane SB is funded for \$400k in 2016



Recent Construction Projects Grand Co.



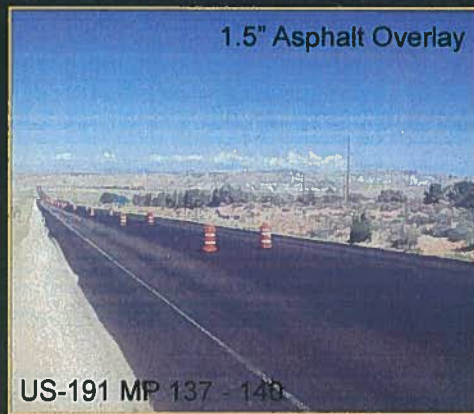
Green River to Floy



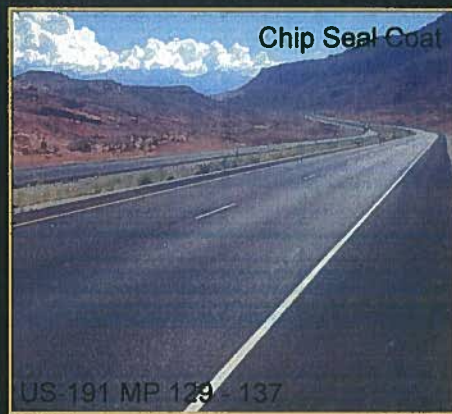
Near Moab Airport



Grand Co. Cont.



Near Dead Horse Point Turn



Moab Canyon



Grand Co. Cont.



Moab Main Street Asphalt Sections



Recent Construction Projects San Juan Co.

3" Rotomill / Asphalt Overlay



Blue Hill

3" Cold In-Place Recycle
3" Asphalt Overlay



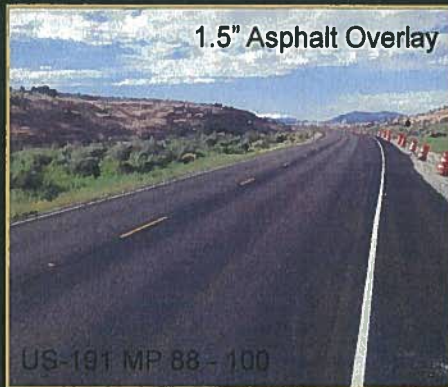
US-191 MP 106 - 108

South of La Sal Junction



San Juan Co. Cont.

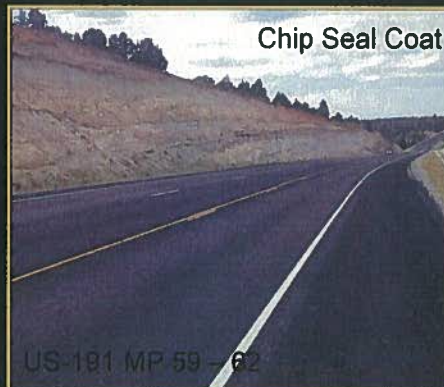
1.5" Asphalt Overlay



US-191 MP 88 - 100

Dry Valley

Chip Seal Coat

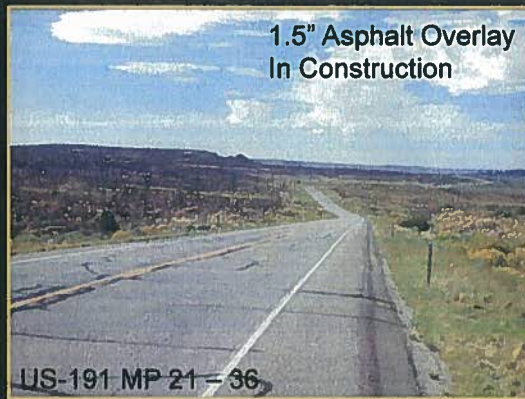


US-191 MP 59 - 62

Devil's Canyon



San Juan Co. Cont.



North of Bluff



UPCOMING PROJECTS

Route	Begin	End	Description	\$ Value
US-191	62	71.3	1.5" Asphalt Overlay	5,500,000
US-191	80	96	Passing Lanes in 3 locations	6,000,000
I-70	192	204	2" Rotomill / Asphalt Overlay	9,800,000
I-70	175	181.5	Chip Seal coat	1,600,000
Moab 500 West Phase 3				1,150,000
Lion's Park Trail and Transit Hub				1,180,000

PROJECT EXPENDITURES

(Approximately 10 years)	\$ Value
Grand County	148.6 Million
San Juan County	107.9 Million



**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 4

Agenda Item Title: UDOT Scoreboard

Presented by: Jason Davis

Background:

Reports will be given on UDOT's Safety and Construction program.

Exhibits/Handouts: Safety and Construction Info

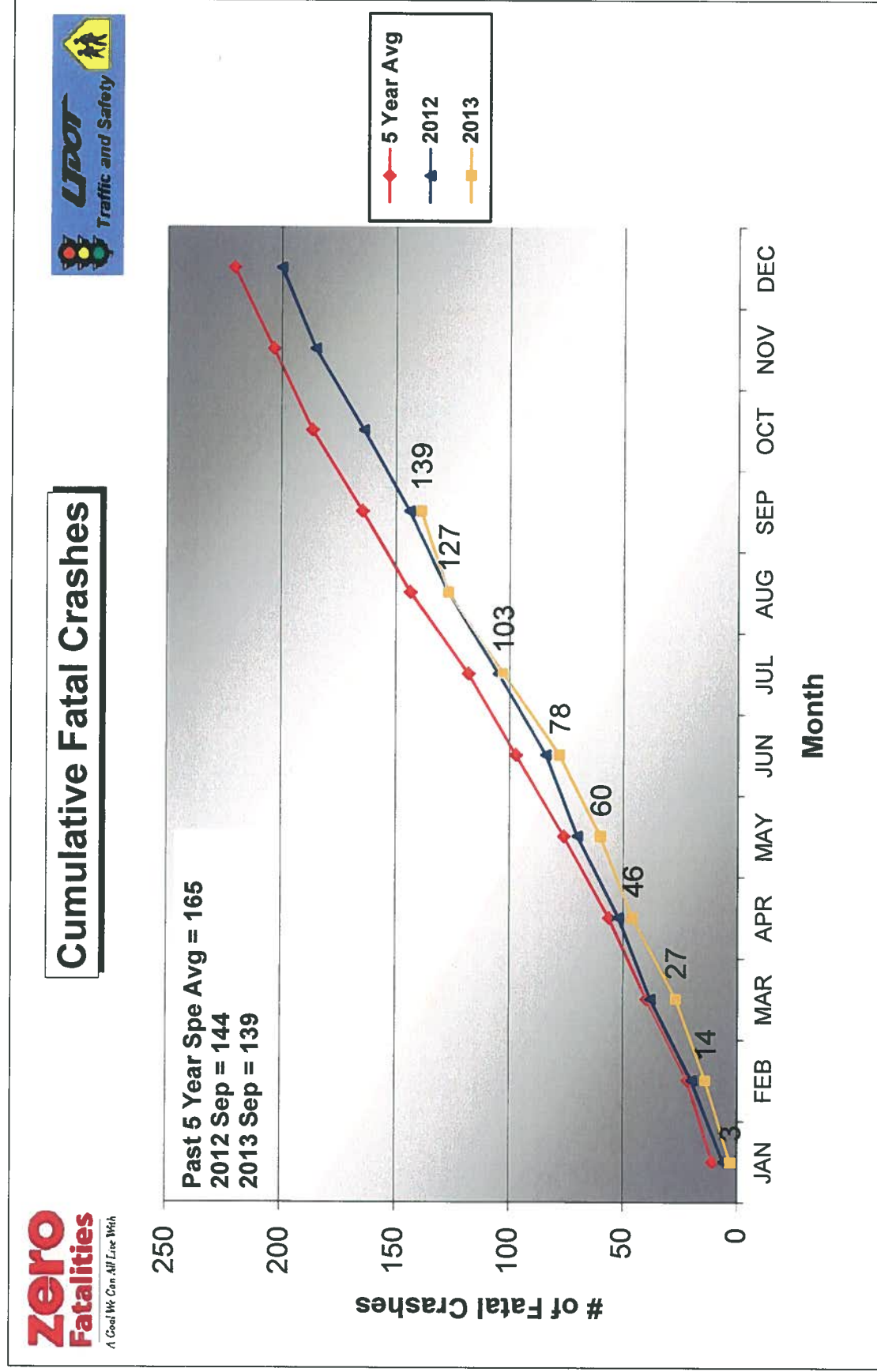
Audio/Visual:

Commission Action Requested:

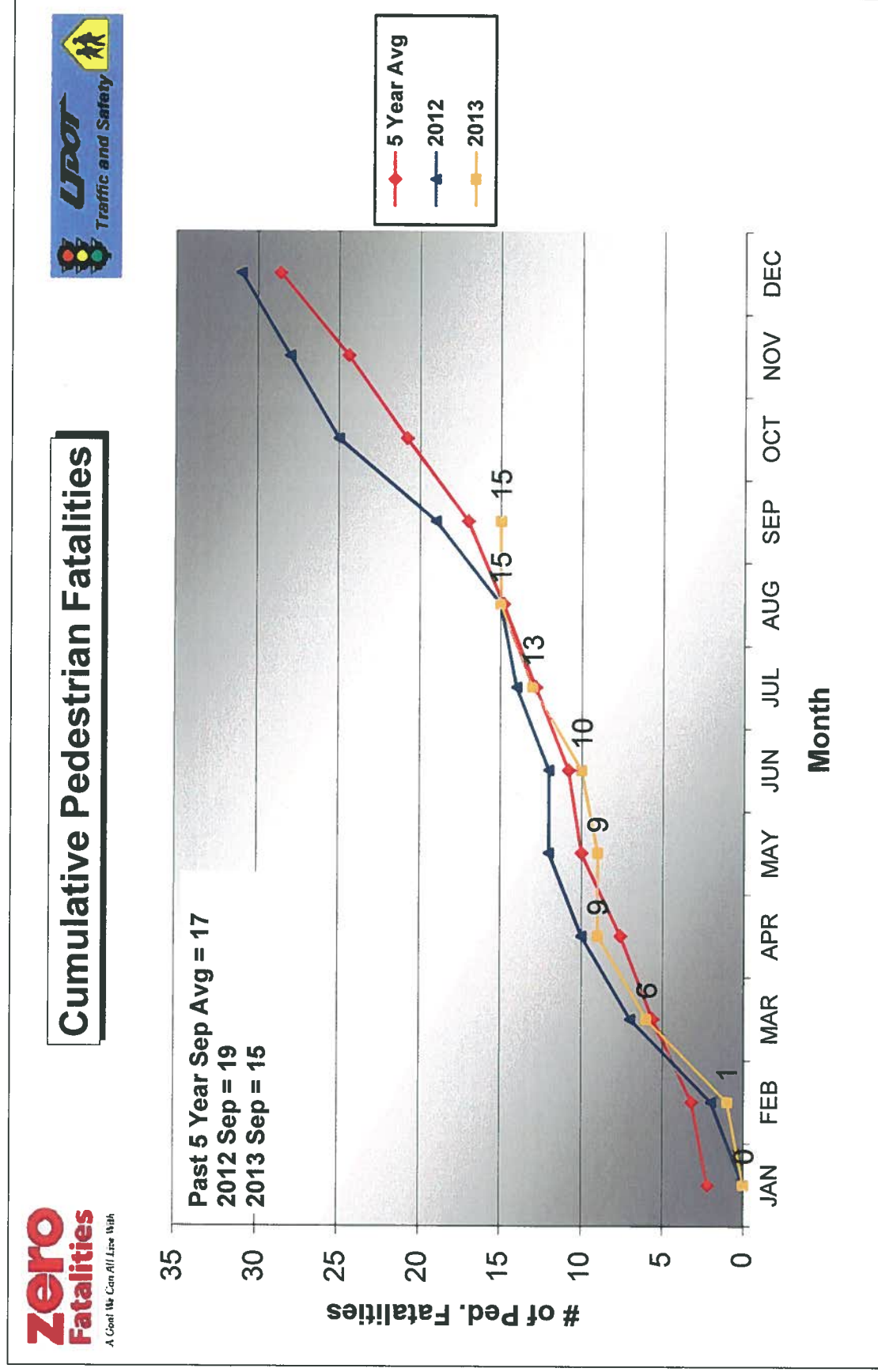
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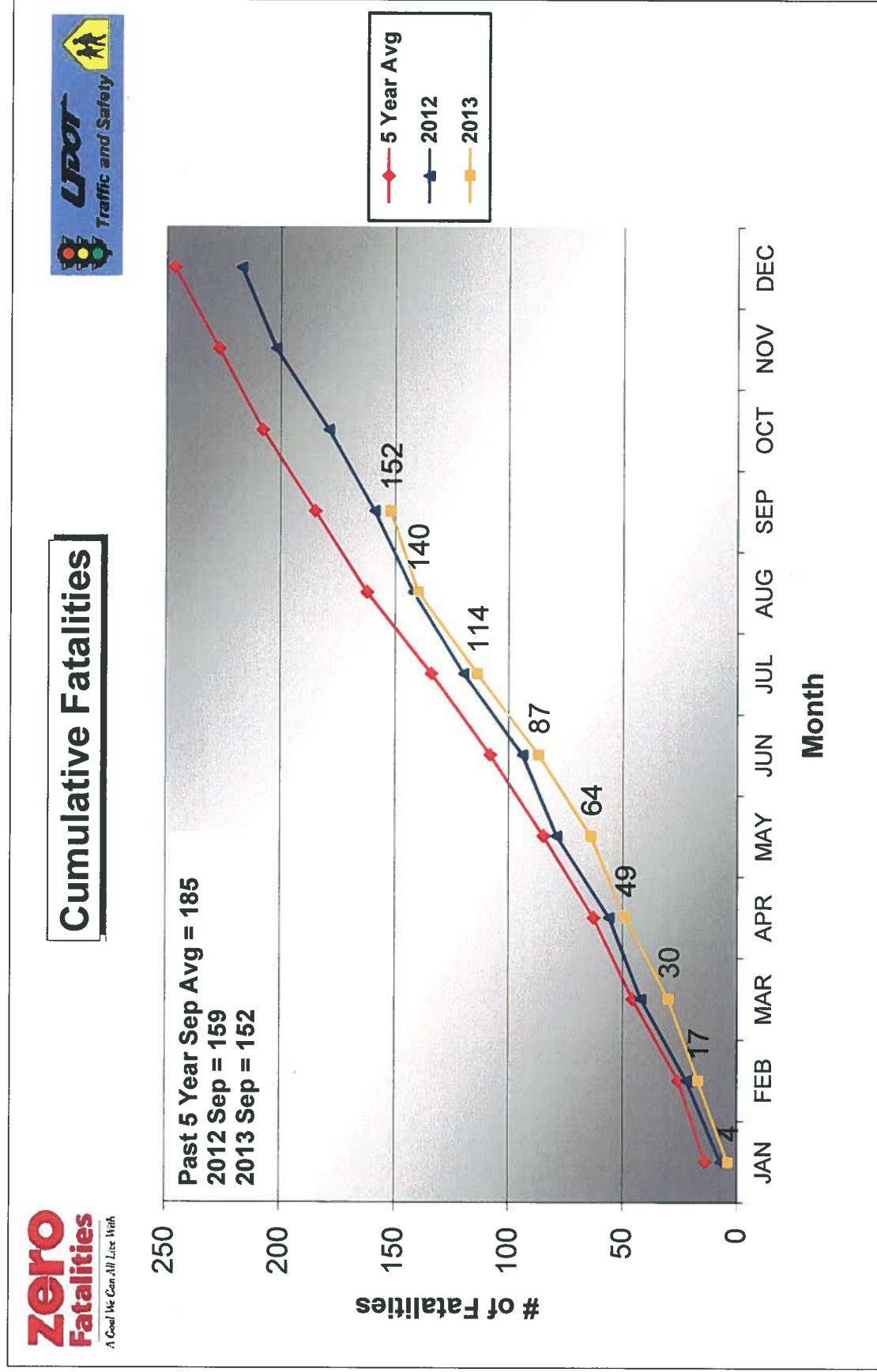
Motion Needed for Approval:



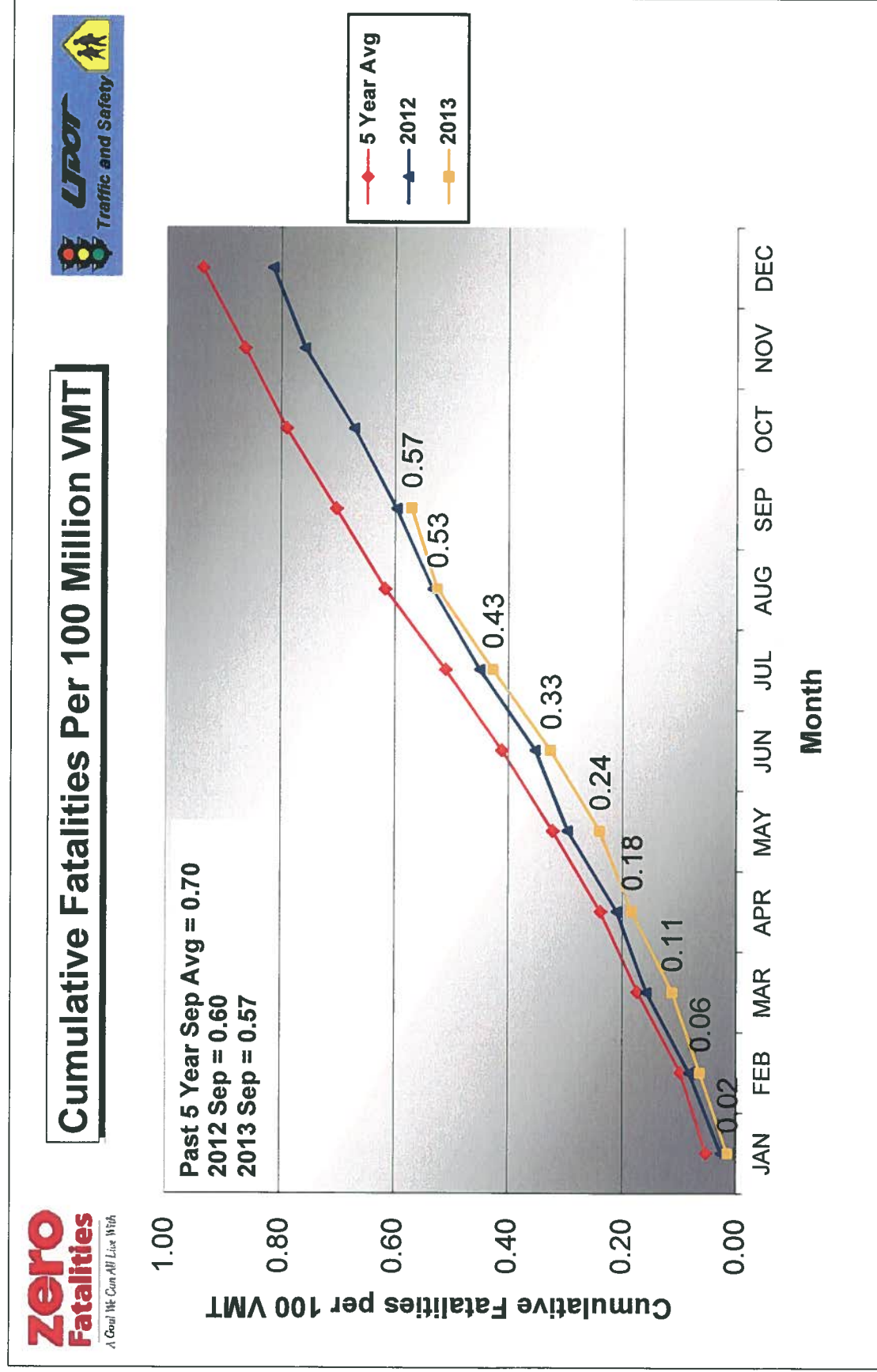
As of 9/30/2013. Data presented are preliminary and subject to change.



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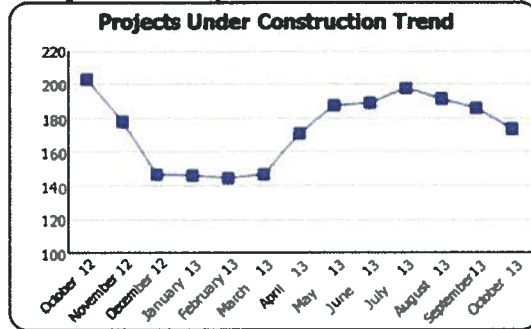


Utah Department of Transportation - Construction Division



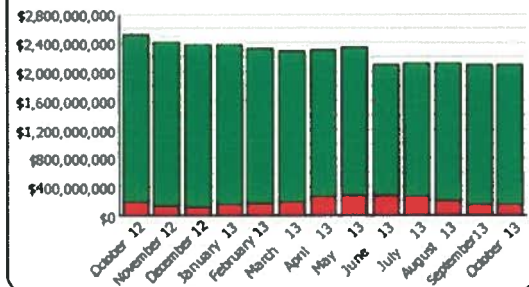
October 2, 2013

Current Projects Summary:



Number of Projects Currently Under Construction: 170
 Total Original Contract Amount of Current Projects: \$1,863,597,390
 Total Change Orders of Current Projects: \$32,702,138
Total Authorized Amount for Current Projects: \$1,896,299,528

Total Amount of Current Contracts by Month



(Includes Original Contract Amount plus Change Orders)

Green: Shows Total Amount Paid on Current Contracts

Red: Shows Balance Remaining on Current Contracts

Total Amount Paid on Current Projects:

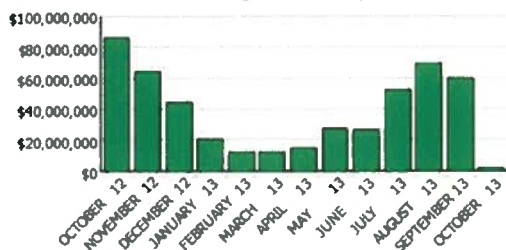
\$1,739,904,522

Balance Left on Current Projects:

\$156,395,007

Total Authorized Amount for Current Projects:**\$1,896,299,528**

Contractor Payments by Month



Pct Time Elapsed vs Pct Project Complete:



Color Rating Distribution for All Current Projects Statewide

77% of Current Projects are on Schedule (Green or Yellow)

Current Projects on Schedule:

131

Projects Given "Green" Status:

111

65%

Projects Given "Yellow" Status:

20

12%

Projects Given "Red" Status:

39

23%

Monthly Contractor Payments for Last Calendar Month

SEPTEMBER 2013

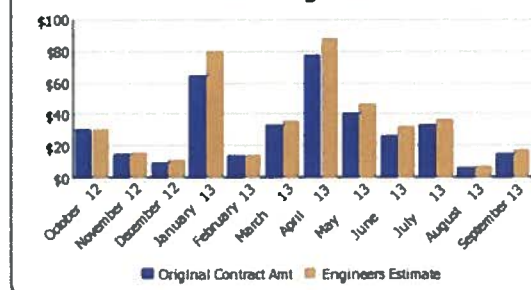
\$59,811,522

Green: Percent Time Elapsed does not exceed Percent Project Complete by More Than 15%

Yellow: Percent Time Elapsed exceeds Percent Project Complete by More Than 15%, Less Than 30%

Red: Percent Time Elapsed exceeds Percent Project Complete by More Than 30%

Contract Award vs. Engineer's Estimate



Most Recent 30 Projects:

Awarded Bids Under Total Engineer's Estimates by:
 Per Cent of Total Engineer's Estimates

\$6,334,454
 10.69%



UDOT - Projects Advertised Sep 4, 2013 through Oct 5, 2013



Projects Advertised
Advertised on or Before Committed Advertising Date
Advertised After the Committed Advertising Date
Advertised Outside Committed Fiscal Year
Project Funding
Cost Estimate Less than or equal to Project Value
Cost Estimate Greater than Project Value

Region	Project Manager	PIN	Project Location	Project Value	Total Cost Estimate	Committed Advertising Date	Actual Advertising Date	Project Delivery Method
1	NATHAN PETERSON	10944	I-15; MP 313.00 - 340.50	\$117,075,250	\$116,217,015	Nov 14, 2015	Sep 12, 2013	Design - Build
1	STEVE NIEBERGALL	11627	SR-102; MP 18.70 - 18.90 & SR-13; MP 17.80 - 18.20 & SR-203; MP 5.60 - 5.90	\$350,000	\$330,000	Dec 21, 2013	Sep 21, 2013	Design, Bid, Build
2	OANH AMBER LE-SPRADLIN	11202	I-80; MP 127.57 - 139.22 & I-80; MP 127.57 - 139.22	\$5,000,000	\$5,000,000	Oct 12, 2013	Oct 5, 2013	Design, Bid, Build
2	OANH AMBER LE-SPRADLIN	11362	SR-36; MP 54.36 - 65.47	\$2,370,000	\$1,302,387	Oct 26, 2013	Sep 7, 2013	Design, Bid, Build
3	MATTHEW PARKER	11646	SR-92; MP 2.13 - 3.78 & SR-85; MP 2.58 - 2.75	\$305,000	\$245,405	Oct 5, 2013	Sep 14, 2013	Design, Bid, Build
4	NANCY JEROME	10675	US-89 Passing Lanes & Alton Intersection Improvements	\$4,500,000	\$4,462,461	Sep 28, 2013	Sep 28, 2013	Design, Bid, Build
4	TROY C. TORGENSEN	11372	I-15; MP .00 - 140.00	\$5,400,000	\$4,452,302	Sep 28, 2013	Sep 14, 2013	Design, Bid, Build
Total Projects Advertised This Period: 7				\$135,000,250	\$132,009,570			
Federal Fiscal Year to Date Total (1 total projects)				\$5,000,000	\$5,000,000			

Procurement Projects Under \$200K This Period: 0

Total Procurement Projects Under \$200K: 0

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 5A

Agenda Item Title: 2014 STIP Amendment #1
Programming Funding Adjustments at Award

Presented by: Bill Lawrence

The following attached list details the requested Programming Adjustments at *Award*. These projects, due to good bids, were awarded below the engineer's estimate and have funds available to reprogram.

Refer to the attached list: Programming Award Adjustments for October

Exhibits/Handouts: List of Projects with Funding Detail

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to transfer funding as detailed

Fact sheet prepared by: Robert Pelly
Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:
10-2-2013

Projects Returning Funds at Award

Region	PIN	Project Name	Amount of Returned Funds	Fund Type	Funds Returned to	Program Name
1	10941	IL-15; SR-91 (1100 South) Interchange	\$ 2,228,644.00	ST_TIF_HB173	CHNF & TIF List	Prioritized Capacity Projects
			\$ 2,228,644.00	Amount of Returning Funds		

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 5B

Agenda Item Title: 2014 STIP Amendment #1
Programming Funding Adjustments at Post Construction

Presented by: Bill Lawrence

Background:

The following projects have reached construction complete and are beginning the closeout process, having funding balance available to remove and reprogram.

Refer to the attached List: Post Construction Projects as of October 2013

Exhibits/Handouts: Post Construction Projects as of October 2013

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only
☒ For Commission Approval

Motion Needed for Approval:

Approval to transfer funding as detailed

Fact sheet prepared by: Robert Pelly
Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:
10-2-2013

Projects that have Reached the Post Construction Phase and Returning Funds

Region	PIN	Project Name	Amount of Returned Funds	Fund Type	Funds Returned to	Program Name
1	10424	I-15; SR-103 to SR-97	\$ 1,693,496.06	NHPP_IM	8074	2013 Pavement Rehab Program
			\$ 1,065,062.95	IM		
		Total	\$ 2,758,559.01			
2	8276	I-215; On-Ramp to Southbound I-15	\$ 2,310,241.92	ST_GF_HCP		Return to Comptroller
			\$ 5,068,800.93	Amount of Returning Funds		

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 5C

Agenda Item Title: 2014 STIP Amendment #1
SR-9; Arch Bridge to 500 North in LaVerkin – New Project

Presented by: Bill Lawrence

Background:

Region 4 requests approval to fund a new Major Rehabilitation project using current De-Obligation funds.

The Region's proposal is to fund the SR-9; Arch Bridge to 500 North in LaVerkin with \$3.7 million of NHPP funds from the Region Four De-obligation Fund (Master PIN 8421).

This project is the Region's highest priority Major Rehab project.

The scope of the project will include a 1.5" rotomill and asphalt overlay over the majority of the surface areas with the exception of areas of reconstruction due to lack of structural strength in the WB outside lane. Fatigue (alligator) cracking is represented in the attached photos.

Exhibits/Handouts: Project Map & Photos

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only
☒ For Commission Approval

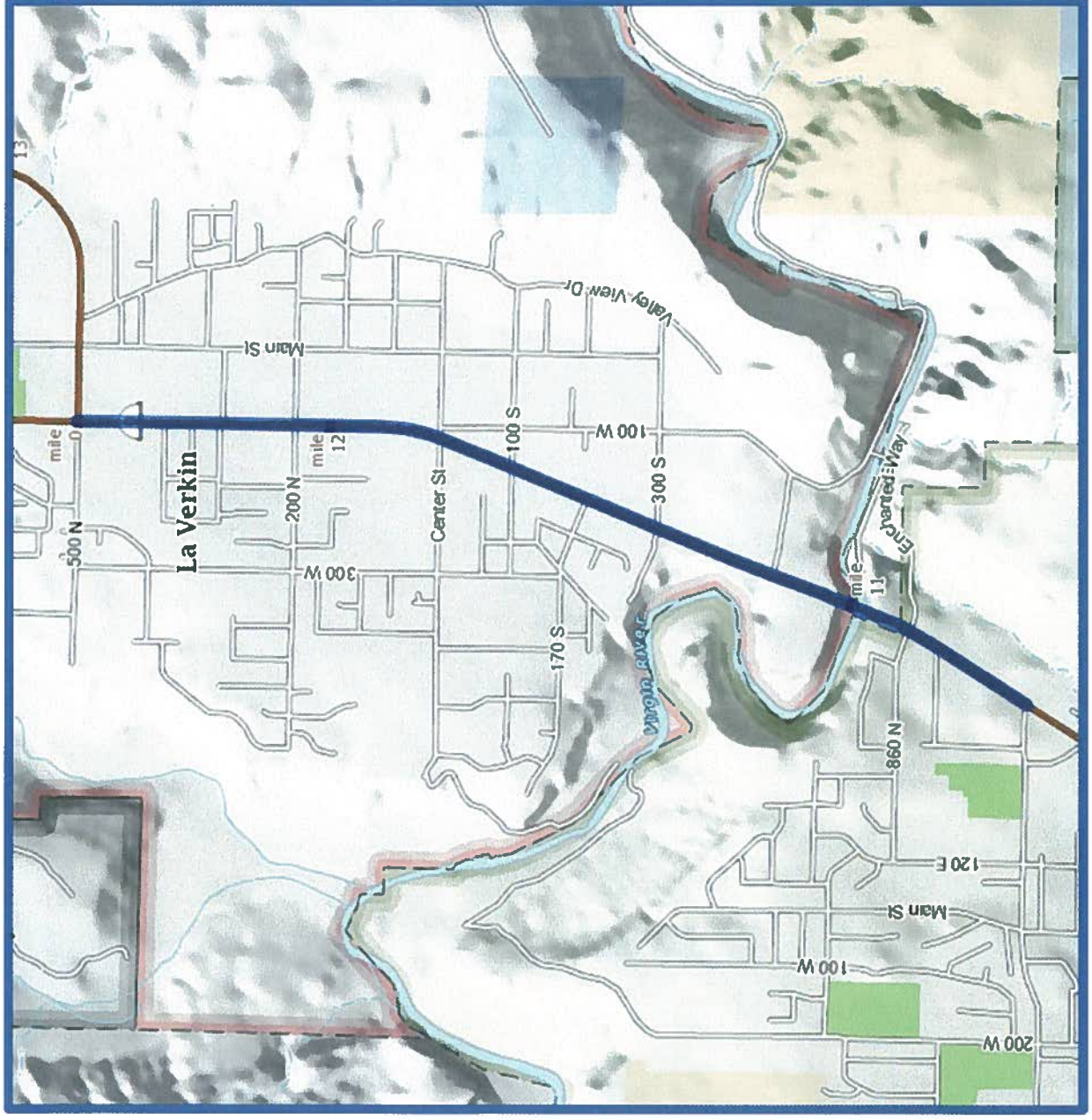
Motion Needed for Approval:

Approval to add the SR-9; Arch Bridge to 500 North in LaVerkin project to the FY 2014 – 2019 STIP

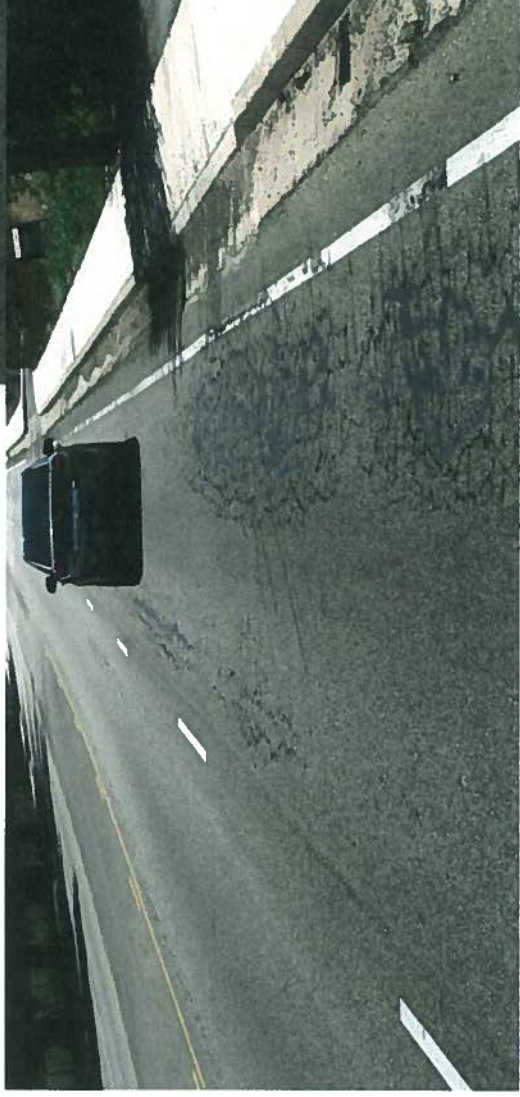
Fact sheet prepared by: Robert Pelly
Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:
10-01-2013

**Project Location Map:
SR-9; Arch Bridge to 500 N. in LaVerkin (MP 10.624 to MP 12.458)**



SR-9; Arch Bridge to 500 N. in LaVerkin



**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 5D

Agenda Item Title: 2014 STIP Amendment #1
Federal Lands Access Program – New Projects

Presented by: Bill Lawrence

Background:

MAP-21 created a program called the Federal Lands Access Program (FLAP). The goal of the FLAP is to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. The Access Program supplements State and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on high-use recreation sites and economic generators.

The Central Federal Lands Highway Division (CFLHD) works with the state under its jurisdiction to develop each state's Programming Decisions Committee (PDC). The PDC is responsible for prioritizing the program of projects for each state's Access Program. The available funding for this program is currently just over \$10.7 million per year.

The PDC established project selection criteria and administered a call for projects in March 13, 2013, which were due May 15, 2013. (See attached letter UT-Access-Announce-Call).

The PDC received 32 applications in excess of \$167 million in requests.

The Utah PDC selected the projects to be funded and to be added to the STIP (see attached list).

Exhibits/Handouts UT-Access-Announce-Call Letter
Federal Lands Access Program Projects List

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only
☒ For Commission Approval

Motion Needed for Approval:

Approval to add the Federal Lands Access Program projects to the STIP

Fact sheet prepared by: Robert Pelly
Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:
10-01-2013

Utah Federal Lands Access Program ~ Proposed/Draft Project Selection

Project Name	Description of Work	Applicant	FLMAs Accessed	County	Year	Cost Estimate
La Sal Mountain Loop Road	Improve 8.7 miles of roadway including asphalt pulverizing and replacement, full depth reclamation of existing asphalt and road base, importing road base where necessary, roadway widening as well as drainage improvements.	Grand County	Manti-LaSal NF	Grand	2017	\$11,657,000
Bryce Canyon Bicycle/Pedestrian Pathway	This project will provide planning, engineering, construction documents and construction of a separated bicycle/pedestrian pathway from the existing Transportation Hub in Bryce Canyon City to Bryce Canyon National Park.	Bryce Canyon City	Bryce Canyon NP, Dixie NF	Garfield	2015	\$841,000
Sevensmile-Gooseberry	The proposed project would pave the remaining 5.1 miles of this 28 mile route in Phase 2.	Sevier County	Fishlake NF	Sevier	2013	\$2,791,000
Dinosaur National Monument Access Road SR-149, Shoulder Widening & Bike Lanes	The objective of the project is to widen the road enough to have bike lanes on the shoulders.	UDOT	Dinosaur NM	Uintah	2016-2017	\$7,964,000
Navajo Lake Road Reconstruction	The work will consist of reconstructing a 2-lane highway in compliance with AASHTO standards.	Kane County	Dixie NF	Kane	2015	\$6,959,000
Little Sahara Sand Dunes and Highway 148	Pulverization and paving of 13.7 miles of Highway 148 and the Sand Dunes Road to provide a safe, smooth public access to the Little Sahara Recreation Area and Cherry Creek	Juab County	Little Sahara Recreation Area	Juab	2014	\$6,683,000
Cascade Springs Road	Replace the old culverts, add guardrail, and place new hot mix asphalt surface on the roadway	Wasatch County	Uintah NF	Wasatch	2015-2016	\$6,514,000
						\$43,409,000



U.S. Department
of Transportation
**Federal Highway
Administration**

Central Federal Lands Highway Division

March 13, 2013

12300 West Dakota Avenue
Suite 380B
Lakewood, CO 80228

Federal Land Managers
Utah Department of Transportation
Regional, County and Local Governments
Tribal Governments

Request for Project Applications Utah Federal Lands Access Program

The Federal Lands Access Program (Access Program) presents an exciting opportunity for state, county, and local entities to obtain funding for a variety of transportation projects accessing Federal Lands in the state of Utah. This new program was established by the Moving Ahead for Progress in the 21st Century (MAP-21), the new transportation authorization that was signed into law by the President on July 6, 2012, and was officially enacted on October 1, 2012. Project applications are now being accepted to develop a robust 5–7 year program of transportation projects (estimated program availability from \$28.5 to \$47.5 million). Preliminary engineering funding will be made available after the program selection process has been completed. Construction and construction engineering funding will become available in fiscal year 2015 and each succeeding fiscal year.

What is the purpose of the program?

The goal of the Access Program is to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands.

Who is eligible to apply?

Eligible applicants include State, county, tribal, or city government agencies that **own or maintain** the transportation facility.

What types of projects will be considered?

The Access Program supplements State and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on Federal high-use recreation sites and Federal economic generators. Access Program funds are intended for design, construction, or reconstruction and **are not** intended for routine maintenance projects (e.g., crack sealing, chip seal, potholes, or drainage repair).

How do I submit a project application?

1. Complete the Utah Access Program Application found at <http://www.cflhd.gov/programs/flap/ut/index.cfm>
2. Obtain endorsement from the appropriate Federal Land Management Agency (FLMA)
3. Send your completed project application via E-Mail to cfl.planning@dot.gov

How will projects be evaluated?

For Utah, the Access Program is administered by the Federal Highway Administration (FHWA) through the Central Federal Lands Highway Division (CFLHD). MAP-21 mandates that decisions be made through Utah's Programming Decisions Committee (PDC) in cooperation with the respective Federal Land Management Agencies. The PDC consists of three representatives: (a) FHWA; (b) the State DOT; and (c) a "representative of any appropriate political subdivision of the state." The PDC will review project applications and rank them based on weighted selection criteria developed by the PDC. The selection criteria are reflective of needs in the state of Utah and Federal regulations and guidelines.

Members of the Utah PDC include:

- Mr. Ryan Tyler, Planning and Programs Branch Manager, FHWA - CFLHD (or designated representative);
- Mr. Bill Lawrence, Program Finance Director, Utah Department of Transportation (or designated representative); and
- Ms. Claudia Jarrett, County Commissioner, Sanpete County, (or designated appointee from the Utah Association of Counties).

The Utah PDC will solicit project applications with the intent of developing a 5 to 7 year program. **Applications will be due by May 15, 2013.** Applicants must be prepared to address the match requirements (6.77%) and have the support of the pertinent Federal Land Management Agencies.

Preference will be given to those projects which provide access to **Federal high-use recreational sites** or **Federal economic generators**. Projects will be evaluated on the following criteria:

- Access, mobility and connectivity;
- Economic development;
- Facility condition;
- Safety;
- Funding, coordination and cost; and
- Resource protection.

Project selection resides with the PDC. The PDC will select a balanced program made up of a range of projects with a mix of larger and smaller construction values to balance the applicant's needs with the available funding. The PDC will make its final decision based on the project proposals ability to meet the aforementioned criteria as well as project support, project readiness, agency priorities, applicant's share of project costs, availability of funds, project development delivery schedules, previous Federal investment and environmental and right-of-way time constraints.

2013 Tentative Project Selection Schedule:

March	April	May	June	July	August	September	October
Call for Projects			PDC scores and ranks applications	Program short list has project agreement, scoping, project delivery plan and project construction costs developed		PDC meeting, final project selection	Funded program announced
Applications prepared and submitted				Short list of applications engaged in scoping			

Note: Schedule subject to change

Who should I contact if I have questions?

Questions about the application process or the Access Program can be directed to:

Mr. Allen Grasmick, CFLHD's Federal Lands Access Program Coordinator at (720) 963-3664 or Allen.Grasmick@dot.gov or

Ms. Stephanie Lind, CFLHD Transportation Planner at (720) 963-3555 or Stephanie.Lind@dot.gov.

For agency-specific contacts in Utah, see below.

Agency	Name	Email
UDOT	Bill Lawrence	BILLLAWRENCE@utah.gov
National Park Service	Jayne Schaeffer	Jayne_Schaeffer@nps.gov
National Forest Service	Kay Shurtz	kshurtz@fs.fed.us
Bureau of Land Management	Casey Matthews	cmatthew@blm.gov
U.S. Fish and Wildlife Service	James Graves	James_Graves@fws.gov
Army Corps of Engineers	Scott Rice	Scott.Rice@usace.army.mil
Military Surface Deployment Command	Jason Cowin	Jason.Cowin@us.army.mil

Sincerely yours,

ORIGINAL SIGNED BY:

Allen Grasmick, PMP
Access Program Coordinator

Attachment (Project Application)

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 5E

Agenda Item Title: 2014 STIP Amendment # 1
Federal Funds Exchange Request – Region 1

Presented by: Bill Lawrence

Background:

Region One requests a multiple project Federal/State Funds Exchange (85% exchange rate) with the towns of Hooper/Clinton, West Point, Syracuse and Ogden.

These cities, in sum, have requested to exchange \$20,319,000 in Federal Aid Funding with Region One (see exhibit State Federal Exchange Ledger).

In exchange for these funds, in sum, these cities would receive \$17,271,150 of Region One's State Transportation Investment Funding (TIF) from the I-15; South Davis Operational Upgrades project (PIN 10944). These cities would also supply the required 10% match, as indicated in the Federal/State Exchange guidelines and as indicated in the exhibit.

Region One would then fund the I-15; South Davis Operation Upgrades project (PIN 10944) with the federal funds, which would increase the project value by \$3,047,850. This additional funding would be used to gain additional work due to the project being advertised as an additive bidding contract. The additional scope or additive bidding items includes those outlined (see exhibit I-15 South Davis Operational Upgrades – Optional Award Items).

This approval will also be contingent upon approval by the WFRC Transportation Coordinating Committee (TRANSCOM), which is being held on November 21, 2013.

Exhibits/Handouts

State Federal exchange Ledger

I-15 South Davis Operational Upgrades – Optional Ward Items

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to exchange the State and Federal funds as detailed, and pending subsequent TRANSCOM approval

Fact sheet prepared by: Robert Pelly

Fact sheet reviewed by senior leader: Bill Lawrence

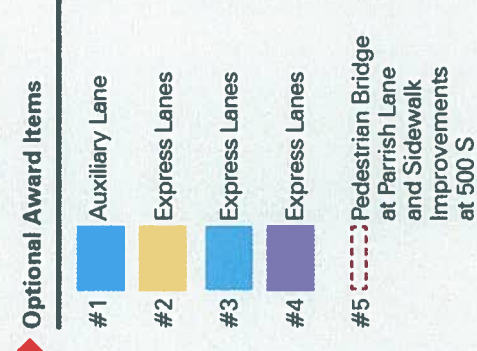
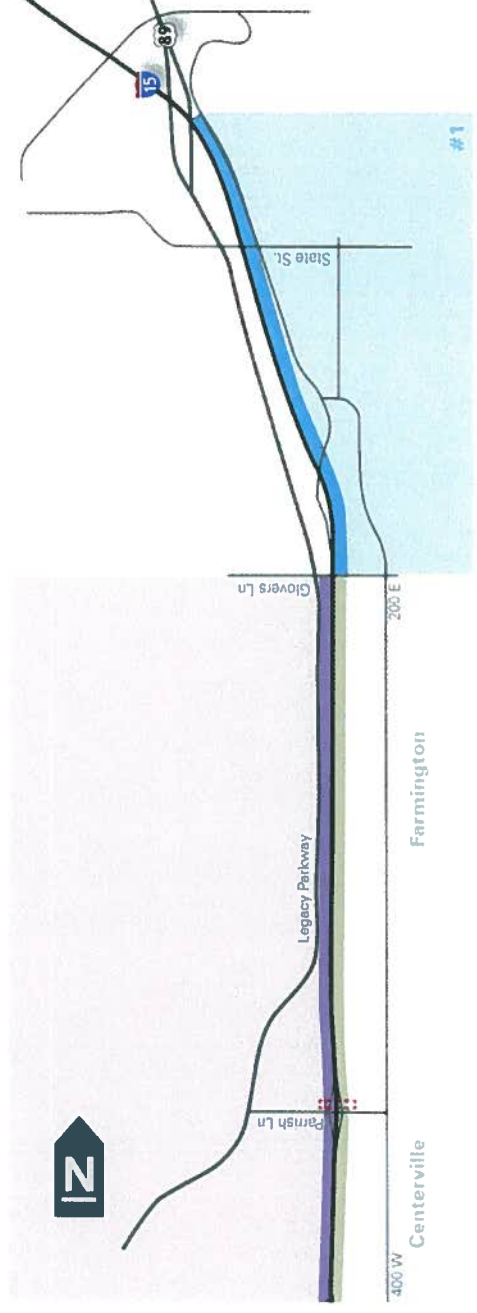
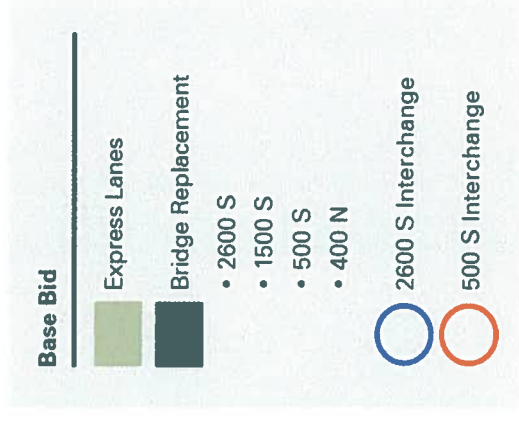
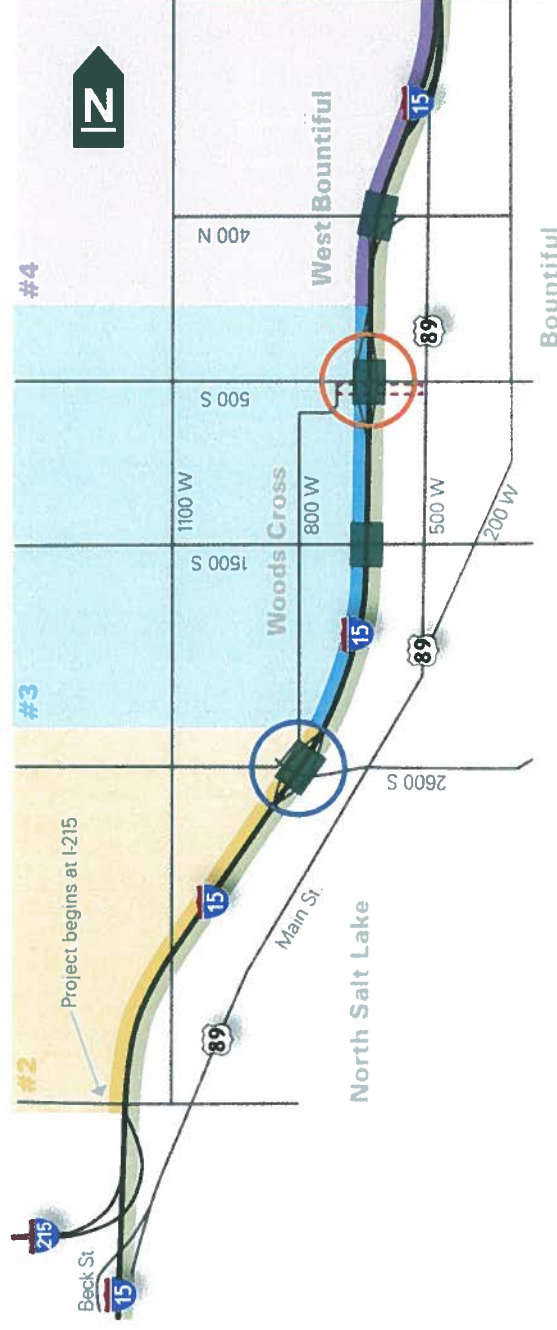
Date submitted:

10-02-2013

Region One

Potential for Dollar amount to go to TIFF Project	\$3,047,850.00
Federal Dollars involved in the Exchange	\$20,319,000.00

I-15 South Davis County Operational Upgrades Project



**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 6A

Agenda Item Title: Administrative Rule Review
Rule R907-1-6, Administrative Procedures for Motor Carrier Actions

Presented by: Linda Hull

Background:

As part of formal adjudicative proceedings for Motor Carrier actions, the rule designates the hearing officer as the UDOT Executive Director to make the proceedings consistent with SB 191, Administrative Law Judge Amendments adopted in the 2013 General Session.

Exhibits/Handouts: Rule R907-1-6

Audio/Visual:

Commission Action Requested:

☒ **X** For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

No action needed

Fact sheet prepared by: Linda Hull

Date submitted: 9/24/13

Fact sheet reviewed by senior leader: Linda Hull

R907. Transportation, Administration.

R907-1. Administrative Procedures.

R907-1-6. Administrative Procedures for Motor Carrier Actions.

(1) When a motor carrier appeals the imposition of a penalty under Title 72, Chapter 9, Motor Carrier Safety Act, he or she shall follow the procedures established in R907-1. This proceeding is an informal adjudicative proceeding under Section 63G-4-402, Utah Administrative Procedures Act; therefore, discovery is prohibited, but the administrative hearing officer may issue subpoenas or other orders to compel production of necessary evidence. The department shall provide the applicant, upon request, information in the agency's files, including records that are part of any investigation unless those records are otherwise made confidential or protected from disclosure.

(2) If the proceeding is converted to a formal adjudicative proceeding and an evidentiary hearing held, the department's ~~[Deputy]~~ Executive Director may act as the administrative hearing officer. ~~[He may also designate another in his stead.]~~ At the hearing, the motor carrier shall go first and is burdened to show why the department's civil penalties should not be assessed. The division shall respond, with the motor carrier being given an opportunity to rebut the division's evidence. If the administrative hearing officer decides doing so will be beneficial to his understanding of the issues, he may allow closing statements or arguments and he may tape the proceedings. The rules of evidence do not apply.

(3) The person deciding the review shall issue a final agency order as promptly as possible. The order shall contain:

(a) a designation of the statute or rule permitting or requiring review;

(b) a statement of the issues reviewed;

(c) findings as fact as to each of the issues;

(d) conclusions of law as to each of the issues;

(e) the reasons for the disposition;

(f) whether the decision of the division or office initiating the decision is affirmed, reversed, modified, or remanded; and

(g) notice of the right to judicial review pursuant to Section 63G-4-402 by filing a petition in district court within 30 days.

KEY: administrative procedures, enforcement (administrative)

Date of Enactment or Last Substantive Amendment: April 14, 2009

Notice of Continuation: August 11, 2011

Authorizing, and Implemented or Interpreted Law: 63G-4-101

through 502; 72-1-102

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013	Agenda Item #: 6B
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Agenda Item Title: Administrative Rule Review
R926-11 Clean Fuel Vehicle Decal Program

Presented by: Linda Hull

Background:

R926-11 needs to be amended to incorporate changes made to Sections 41-6a-702 and 72-6-121 by H.B. 23 (2013 General Session).

The proposed rule change includes limiting the number of clean fuel vehicle decals the Department of Transportation may issue to 6,000 and allowing the department to increase the number of clean fuel vehicle decals issued to eligible applicants if the issuance allows the department to continue to meet its goals for operational management of the high occupancy vehicle lanes, and making other technical changes.

Exhibits/Handouts: R926-11 Clean Fuel Vehicle Decal Program
R926-11 Rule Analysis

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: John Haigwood Fact sheet reviewed by senior leader: Linda Hull	Date submitted: 9/27/13
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R926. Transportation, Program Development.

R926-11. Clean Fuel Vehicle Decal Program.

R926-11-1. Purpose and Authority.

(1) As authorized in Utah Code Ann. Sections 41-6a-702 and 72-6-121 this rule establishes procedures for regulating access to high occupancy vehicle lanes by vehicles with a clean fuel vehicle decal regardless of the number of occupants.

(2) Federal law authorizes states to allow the use of high occupancy vehicle (HOV) lanes by inherently low emission vehicles (ILEV) and low emission and energy-efficient vehicles with only a single occupant through September 30, 20[09]17, unless federal authorization is extended. Federal law further requires a state to limit or discontinue the use of these single-occupant vehicles if the presence of the vehicles has degraded the operation of the HOV facility.

R926-11-2. Definitions.

(1) "Hybrid" means a Low Emission and Energy Efficient vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166.

(2) "ILEV" means an Inherently Low Emission Vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166.

(3) "C decal" means a clean vehicle decal issued by the department.

(4) "C plate" means a clean fuel special group license plate issued by the Division of Motor Vehicles as had been previously authorized in Utah Code.

(5) "C permit" means a permit issued by the department to the owner of an eligible ILEV or Hybrid vehicle.

(6) "Department" means the Utah Department of Transportation.

(7) "HOV" means a highway lane that has been designated for the use of high occupancy vehicles pursuant to Section 41-6a-702.

R926-11-3. ~~[Identification of Eligible C Decal Vehicles Prior to July 1, 2011.]~~

~~(1) Upon receipt of a list from the Division of Motor Vehicles showing registered vehicles for which a C plate has been issued prior to July 1, 2011, the department will determine which vehicles meet the definition of an ILEV or Hybrid vehicle as provided in this rule.~~

~~(2) Vehicle owners with vehicles registered with a C plate issued prior to July 1, 2011, and for which the vehicle meets the definition for an ILEV or Hybrid as defined in this rule, will receive a C decal and C permit issued by the department at no cost.~~

~~(3) Vehicle owners with vehicles registered with a C plate issued prior to July 1, 2011, that do not meet the definition of an eligible ILEV or Hybrid vehicle are not eligible to receive a C decal or C permit. The department will notify these vehicle owners of ineligibility.~~

~~(4) Vehicle owners for whom notification has been provided under subsection (3) may receive a C decal and C permit at no cost~~

~~if the vehicle owner.~~

~~(a) submits an application as provided under R926-11-5(3), and,~~

~~(b) provides sufficient proof to the department that the vehicle meets eligibility requirements for an ILEV or Hybrid vehicle as provided under this rule.~~

R926-11-4. ~~]~~Permitting of Eligible Vehicles[~~after June 30, 2011~~].

(1) Owners of an eligible ILEV and Hybrid vehicle registered in the state of Utah shall qualify for a C decal and C permit upon application to the department under permitting processes and payment of a fee defined under this rule.

(2) The owner of a vehicle issued a C decal and a C permit is prohibited from placing the C decal on any vehicle other than the vehicle for which the department has issued a C decal and C permit. Posting a C decal on a vehicle other than the vehicle for which the department has issued a C decal and C permit will render the vehicle owner ineligible to participate in the Clean Fuel Vehicle Program.

(3) The owner of a vehicle issued a C decal must have in the person's immediate possession the C permit issued by the department for that vehicle.

(4) The C decal must be placed in the windshield of the vehicle, centered near the rearview mirror and 4 inches from the top of the windshield. If the vehicle has an AS-1 line, the decal must be mounted below the line. The decal must be mounted directly onto the windshield and cannot be mounted with tape or any other device.

(5) The department shall maintain and publish a listing online of all ILEV and Hybrid vehicle makes and models eligible for a C decal and C permit.

(6) The department will charge a fee for the issuance of a C decal. The amount of the fee will be posted on the application in the amount established by the department in accordance with Section 63J-1-504.

(7) The department may restrict use of the HOV facility by single-occupant vehicle with a C decal if the operation of the facility is degraded. For the purposes of this rule, an HOV facility is considered degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed of 45 miles per hour 90 percent of the time over a consecutive 180 day period, during morning or evening weekday peak hour periods (or both).

R926-11-[5]4. Issuance of C Decals and C Permits.

(1) ~~[The department may restrict use of the HOV facility by single-occupant vehicle with a C decal if the operation of the facility is degraded. For the purposes of this rule, an HOV facility may be considered degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed of 45 miles per hour 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both).]~~Except as set forth in subsection (2), the department

may not issue more than 6,000 C Decals.

(2) Not more frequently than once a year, the department may evaluate the operation of the HOV facility and determine whether the facility will continue to operate at an acceptable level of service. For the purposes of this rule, an HOV facility is considered to be operating at an acceptable level of service if vehicles operating on the facility are maintaining a minimum average operating speed of 55 miles per hour 90 percent of the time over a consecutive 180 day period, during morning or evening weekday peak hour periods (or both). Based on that evaluation and if the department determines that additional single-occupant vehicles with a C decal may operate in the HOV lane without compromising operation of the facility, the department may increase the number of clean fuel decals issued beyond the minimum set forth in subsection (1) and shall issue the appropriate number of C decals to eligible applicants as set forth under subsection ([4]5).

(3) Vehicle owners with an eligible ILEV or Hybrid vehicle as defined by this rule must submit an application to the department for a C decal and C permit. The application, approved and issued by the department, shall contain the vehicle owner's name, the license plate number, the vehicle identification number, and the ILEV or Hybrid vehicle make and year model as a condition for obtaining a C decal and C permit.

(4) A vehicle owner must pay the fee for the issuance of a C decal and C permit within 30 days of the application being approved. If the owner does not pay the fee within 30 days, the application will be closed. After the application is closed, a vehicle owner must submit a new application for a C decal and C permit.

([4]5) If more applications for a C decal are received than the total number of decals the department may issue[determines will be issued] at any one time, C decals and C permits will be [issued]offered to randomly chosen applicants as they become available[up to the number of permits that will be allowed based on the evaluation conducted under subsection (2).

(e) Vehicle owners with a C plate issued after January 1, 2009, may transfer the plate to a newly purchased eligible ILEV or Hybrid vehicle under the processes established under this rule].

KEY: hybrid vehicles, C decal, C permit, clean fuel

Date of Enactment or Last Substantive Amendment: [June 21, 2011]November 2013

Authorizing, and Implemented or Interpreted Law: 41-6a-702; 72-6-121

Administrative Rule Amendment Analysis

Purpose of the rule or reason for the change:

Incorporate the changes made to Utah Code Sections 41-6a-702 and 72-6-121 by H.B. 23.

Summary of the rule or change:

- The Department of Transportation may issue 6,000 clean fuel vehicle decals.
- The Department of Transportation may increase the number of clean fuel vehicle decals issued to eligible applicants if the increased issuance allows the Department of Transportation to continue to meet its goals for operational management of the high occupancy vehicle lanes
- Make technical changes

Aggregate anticipated cost or savings to:

A) State budget:

No cost or savings to state budget because the changes to the rule simply limits the number of clean fuel vehicle decals that may be issued, and does not create any new work for the Department of Transportation.

B) Local government:

No cost or savings to local government because the changes to the rule simply limits the number of participants in the clean fuel vehicle decal program.

C) Small businesses (less than 50 employees):

No cost or savings to small businesses because the changes to the rule simply limits the number of participants in the clean fuel vehicle decal program.

D) Persons other than small businesses, businesses, or local government entities:

No cost or savings to other persons because the changes to the rule simply limits the number of participants in the clean fuel vehicle decal program.

Compliance costs for affected persons:

There is no compliance cost for people affected by this.

Suggested comments by the department head on the fiscal impact the rule may have on businesses:

Additional information required by Governor's Executive Order Dated Dec. 6, 2011

Does the proposed rule or amendment have non-fiscal impacts or burdens directly or indirectly on the:

A) State budget? No non-fiscal impacts to state budget because the changes to the rule limit the number of clean fuel vehicle decals that may be issued.

B) Local governments?

Once the cap is reached, if a local government wishes to have clean fuel vehicle decal for a qualified vehicle in its fleet, then they will need to wait an indefinite amount of time to be offered a clean fuel vehicle decal

C) Small businesses?

Once the cap is reached, if a small business wishes to have clean fuel vehicle decal for a qualified vehicle in its fleet, then they will need to wait an indefinite amount of time to be offered a clean fuel vehicle decal

D) Persons other than small businesses, businesses, or local governmental entities? Once the cap is reached, a qualified applicant will need to wait an indefinite amount of time to be offered a clean fuel vehicle decal

If there is a negative impact on small business, is it possible to:

A) establish less stringent compliance or reporting requirements?

No, the cap on the number of clean fuel vehicle decal that may be issued is specified in Utah Code Section 41-6a-702

B) establish less stringent schedules or deadlines?

No, the cap on the number of clean fuel vehicle decal that may be issued is specified in Utah Code Section 41-6a-702

(C) consolidate or simplify reporting or compliance requirements?

No, the cap on the number of clean fuel vehicle decal that may be issued is specified in Utah Code Section 41-6a-702

(D) establish performance standards rather than design or operational standards?

No, the cap on the number of clean fuel vehicle decal that may be issued is specified in Utah Code Section 41-6a-702

(E) exempt from all or any part of the requirements?

No, the cap on the number of clean fuel vehicle decal that may be issued is specified in Utah Code Section 41-6a-702

Please include an explanation above when describing whether or not there are cost or savings and fiscal or non-fiscal impacts, i.e. "no costs or savings to state budget because"

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: October 11, 2013

Agenda Item #: 6C

Agenda Item Title: Administrative Rule Review
R926-14 Utah Scenic Byway Program Administration; Scenic Byways
Designation, De-designation, and Segmentation Processes

Presented by: Bill Lawrence

Background:

On a 5 year cycle, UDOT reviews Administrative Rules that address issues related to Transportation.

During the review process it was noted that the current Administrative Rule R926-14 was not consistent with the Utah State Code Title 72- chapter 4 Section 303 "Powers and duties of the Utah State Scenic Byway Committee -- Requirements for designation -- Segmentation -- Rulemaking authority -- Designation on state maps -- Outdoor advertising".

The state code states "(3) (a) A state scenic byway, National Scenic Byway, or All American Road, may be segmented by the **legislative body** of the county, city, or town where the segmentation is to occur...

The current Administrative Rule states "R926-14-8- (12) **The committee** will act on a byway segmentation or de-designation request...

The proposed change designates that it is the "local legislative body" that has the right to segment a scenic byway, bringing the rule in-line with State Code.

Other updates include, changing to a non-prescriptive meeting frequency, and change from the use of the word "Governmental" to "Legislative" body, throughout the rule also bringing it in line with State Code.

Exhibits/Handouts: Rule R926-14 Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes

Audio/Visual:

Commission Action Requested:

☒ X For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval: None

Fact sheet prepared by: Daniel Page

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:

October 2, 2013

R926. Transportation, Program Development.

R926-14. Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes.

R926-14-1. Purpose.

The purpose of this rule is to establish the following:

- (1) administration of the Utah Scenic Byway program;
- (2) the criteria that a highway shall possess to be considered for designation as a state scenic byway;
- (3) the process for nominating a highway to be designated as a state scenic byway;
- (4) the process for nominating an existing state scenic byway to be considered for designation as a National Scenic Byway or All-American Road;
- (5) the process and criteria for removing the designation of a highway as a scenic byway or segmentation of a portion thereof; and
- (6) the requirements for public hearings to be conducted regarding proposed changes to the scenic byway status of corridor, and related notifications.

R926-14-2. Authority.

The provisions of this rule are authorized by the following grants of rulemaking authority and provisions of Utah Code: Title 52, Chapter 4; Title 63G, Chapter 3; and the Designation of Highways Act, Title 72, Chapter 4.

R926-14-3. Definitions.

Terms used in this rule are defined in Title 72, Chapter 4. The following additional terms are defined for this rule:

- (1) "All-American Road" means a scenic byway designation made at the national level for state scenic byways that significantly meet criteria for multiple qualities out of the six defined intrinsic qualities.
- (2) "America's Byways" means the brand utilized by the National Scenic Byways Program for promotion of the National Scenic Byways and All American Roads.
- (3) "Committee" or "State Committee" means the Utah State Scenic Byway Committee as defined in Title 74, Chapter 4 and does not refer to any local scenic byway committee herein defined.
- (4) "Corridor management plan" means a written document prepared by the local scenic byway committee in accordance with federal policies that specifies the actions, procedures, controls, operational practices, and administrative strategies necessary to maintain the intrinsic qualities of a scenic byway.
- (5) "De-designation" means removing a current state scenic

byway designation by the committee from an entire existing scenic byway.

(6) "Department" means the Utah Department of Transportation.

(7) "Designation" means selection of a roadway by the committee as a state scenic byway or selection of an existing state scenic byway by the U.S. Secretary of Transportation as one of America's Byways.

(8) "Federal policies" means those rules outlining the National Scenic Byway Program and that set forth the criteria for designating roadways as National Scenic Byways or All-American Roads, specifically the FHWA Interim Policy.

(9) "GovernmentalLegislative Body" means the elected governing board of a political subdivision, such as a town, city, county, tribal government or Association of Governments.

(10) "Grant" means discretionary funding available on a competitive basis to designated scenic byways from the Federal Highway Administration through the National Scenic Byways Program.

(11) "Intrinsic quality" means scenic, historic, recreational, cultural, archaeological, or natural features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area. The National Scenic Byways Program further defines each of these qualities.

(12) "Local Scenic Byway Committee" means the committee consisting of the local byway coordinator and representatives from nearby governmentalLegislative bodies, agencies, tourism related groups and interested individuals that recommends and prioritizes various projects and applications relating to a scenic byway. The local scenic byway committee promotes and preserves intrinsic values along the byway.

(13) "Local Byway Coordinator" means an individual recognized by the local scenic byway committee as chair. If a local scenic byway committee does not exist for a scenic byway, the local byway coordinator is an individual recognized by the state committee chair as the person to contact for applications and other administrative business for the state scenic byway.

(14) "National Scenic Byway" means a scenic byway designation made at the national level for byways that significantly meet criteria for at least one quality out of the six defined intrinsic qualities.

(15) "National Scenic Byways Program" or "NSBP" means a program provided by the Federal Highway Administration to promote the recognition and enjoyment of America's memorable roads.

(16) "State Scenic Byway" means a Utah roadway corridor that has been duly designated by the committee for its intrinsic

qualities.

(17) "Status" refers to the current designation of a scenic byway, i.e., state scenic byway, National Scenic Byway, All-American Road, undesignated roadway, segmented scenic byway or de-designated scenic byway.

R926-14-4. Utah State Scenic Byway Committee Organization and Administration.

(1) The authorization of the committee, its membership, administration, powers, and duties are defined in Title 72, Chapter 4.

(2) The committee shall meet ~~annually, at a minimum, or~~ as frequently as needed to administer the State Scenic Byway program within the State of Utah. This business shall include, but not be limited to:

(a) designating, de-designating and ~~[segmenting]~~ hearing appeals of segmentation denials of state scenic byways;

(b) recommending considerations for National and All-American Road recognition to the Legislature;

(c) recommending applications to the NSBP;

(d) prioritizing applications for Scenic Byway Discretionary funding and other funding that may be available; and

(e) other business as may be needed to administer the scenic byway program.

(3) The committee ~~shall~~ will meet ~~at least once during~~ in the second quarter of the calendar year. ~~Additional committee meetings may be called~~ to conduct business as necessary to administer the state scenic byway program.

(a) The ~~[Spring]~~ annual meeting is intended to be an in-person gathering of the full committee at a single anchor location. Where the need arises, and as authorized by Title 52, Chapter 4, individual members may request to be connected to the meeting via teleconference, video conference, web conference, or other emerging electronic technology, if they make the request at least three days prior to the committee meeting to allow for arrangements to be made for the connection.

(b) All additional meetings called by the chair may be held as either in-person or electronic meetings, at the discretion of the chair, as authorized by Title 52, Chapter 4.

(i) Electronic meetings may be fully electronic, i.e. each member may join on an individual remote connection (depending on the technology used), but an anchor location must be provided for the public at one or more connections, preferably at a conference room available to either the department or the Utah Office of Tourism, that is large enough to accommodate anticipated demand.

(ii) Electronic meetings may be via teleconference, video conference, web conference, or other emerging electronic technology, at the discretion of the chair, as long as adequate time is provided to set up the required electronic connections for all participants and the technology used is generally publicly available.

(iii) All meetings, whether in-person or electronic, must be advertised and accessible to the public for both hearing and comment, which in the case of electronic meetings will require publication of connection details and anchor locations.

(iv) The published agenda for electronic meetings needs to include details on the format of how and when public comment will be received and addressed by the committee. For example, comment during a web conference may be taken continuously via a chat window, then read by the moderator during the time set aside for public input, with committee responding. In a teleconference, public participants may be requested to hold their comments until a designated period is opened by the chair.

R926-14-5. Criteria Required of a Highway to Be Considered for Designation as a State Scenic Byway.

(1) A road being considered for state scenic byway designation must meet all of the following criteria:

(a) the nominated road must possess at least two unusual, exceptional, or distinctive intrinsic qualities, as defined;

(b) the nominated road may be either a planned or existing route and in the case of a planned route, legal public access, safety standards and all-weather pavement must be guaranteed at completion of construction;

(c) roadway safety on the nominated road must be evaluated against and guided by American Association of State Highway and Transportation Officials (AASHTO) safety standards for federal aid primary or secondary roads;

(d) the nominated road must have strong local support for byway designation and the proponents must demonstrate this support and coordination;

(e) the nominated road must accommodate recreational vehicles or provisions should be made for travel by recreational vehicles;

(f) the nominated road need not lead to or provide connection to other road networks; it may be dead-ended, or provide only a single outlet for traffic;

(g) the nominated road need not be open during the winter months, but seasonal road closures must be clearly posted, shown on applicable maps, and specified in any promotional literature;

and

(h) the nominated road may include portions of the Interstate Highway System, but only if the Interstate component is a small part of the mileage of the overall nominated scenic byway and is included primarily for continuity of travel.

(2) It is the intent of these criteria to be restrictive in nature so as to limit the number of designated state scenic byways in order to maintain the quality and integrity of the scenic byway system.

R926-14-6. Process for Nominating a Highway to Be Designated a State Scenic Byway.

(1) Nominations for a corridor to be designated a state scenic byway shall be forwarded to the committee by a local governmentalLegislative body.

(2) The nomination application must demonstrate how the nominated road meets the criteria to qualify as a state scenic byway.

(3) The committee will act on a byway-related application only after the responsible organization has held public hearings and submitted minutes of the hearings, including names and addresses of people making comments, a detailed summary of comments made, and proof of public notification.

(4) The committee will consider the nomination after review of the application and after a presentation by the nominating sponsor group, either at the byway location, or at a committee meeting. The committee will vote on proposed designations at the next committee meeting. The committee will report the results of the vote to the nomination sponsor.

(5) Individual communities along the byway corridor that do not support the designation of the byway within the limits of their community have the statutory right, as prescribed in Title 72, Chapter 4, to opt out of any new byway designation through official segmentation action of their legislative body, but they become ineligible for byway grants and promotional considerations by doing so.

(6) Upon approval by the committee of a scenic byway nomination, the committee shall notify the Utah Office of Tourism, the department and other interested agencies of the new designation and of the approved alignment and limits of the designated corridor.

(a) The committee will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(7) On receiving notification of a newly designated state scenic byway, the department shall amend Rule 926-13 to include the description of the byway and the date of its approval. The department shall forward to the NSBP any electronic files needed to describe or display the new byway in online maps, brochures, or other publications of the NSBP. The department will add the scenic byway to the official highway map at its next printing.

R926-14-7. Process for Nominating a Highway to Be Designated a National Scenic Byway or All-American Road.

In addition to state recognition, state scenic byways may be nominated to the National Scenic Byways Program so that they may be recognized as a byway of national significance through designation as a National Scenic Byway or All-American Road.

(1) Local scenic byway committees shall notify the state committee of their intent to apply for National Scenic Byway or All-American Road status and the state committee shall in turn notify the Legislature of this intent.

(2) Local scenic byway committees desiring national designation are required by the National Scenic Byways Program to prepare nomination applications, adhering to the criteria outlined in applicable federal policies.

(a) A corridor management plan for the byway will be required by the NSBP to be prepared before a nomination application will be considered. The required information and criteria to be included in the corridor management plan are outlined in the federal policies.

(b) The NSBP will issue a call for applications, at which time the local scenic byway committee may submit a nomination application as long as the state scenic byway has been approved for consideration in accordance with the requirements of Title 72, Chapter 4.

(3) Local scenic byway committees are to confer with the state committee during the preparation of a corridor management plan and will submit their nomination applications to the committee for review prior to submitting to the NSBP.

(4) The committee will refer all considerations for America's Byways designations to the Legislature for approval, along with the recommendation of the committee. As required in Title 72, Chapter 4, Legislative approval must be obtained before any application for nomination may be submitted to the NSBP.

(5) Upon approval by the NSBP of a National Scenic Byway nomination, the committee shall notify the Utah Office of Tourism, the department and other interested agencies of the new designation and of any differences in alignment or limits as

related to existing state scenic byway designations.

(a) The committee will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(6) On receiving notification of a change in byway status to National Scenic Byway or All-American Road, the department shall amend Rule 926-13 to update the description of the byway to reflect the approved changes and the date of NSBP approval.

R926-14-8. Process and Criteria for Removing the Designation of a Highway as a Scenic Byway or Segmentation of a Portion Thereof.

(1) The committee may de-designate a scenic byway if the intrinsic values for which the corridor was designated have become significantly degraded and no longer meet the requirements for which it was originally designated.

(2) The ~~[committee]~~ local governmentalLegislative body may ~~[also]~~ remove designation on a localized segment of a designated byway if the intrinsic values within the segment have become degraded or if the segment being considered was included primarily for continuity of travel along the designated corridor, does not in and of itself contain the intrinsic values for which the corridor was designated, and the segmentation has strong community-based support.

(3) Highways that are part of the National Highway System (NHS) are still subject to certain federal outdoor advertising regulations, regardless of their scenic byway status. When considering a de-designation or segmentation on an NHS route, either the committee or the local legislative body should become familiar with the regulatory differences between scenic byway status and NHS status, since de-designation or segmentation would not affect the ongoing applicability of NHS regulations and may not always produce the desired effect.

(4) De-designated corridors and communities or parcels segmented out of the scenic byway designation are no longer subject to byways-related regulations and are no longer eligible for byways-related grants and promotional considerations.

(5) Committee processes for de-designation ~~[or segmentation]~~ may be initiated by the committee itself or by request from a governmentalLegislative body.

(6) Alternatively, segmentation of specific parcels or portions of a scenic byway may be considered directly by the legislative body of a county, city, or town where the segmentation is proposed, as provided in Title 72, Chapter 4. The same public hearing requirements are followed for local legislative actions as

are provided herein for committee actions.

(7) Requests to the committee for ~~[segmentation or]~~ de-designation of state scenic byways shall be submitted by a governmentalLegislative body along or adjacent to the scenic byway corridor. Each request shall include discussion of the specific reasons for ~~[segmentation or]~~ de-designation. Reasons may include, but are not limited to:

(a) segment or corridor is no longer consistent with the state's criteria for selection as a scenic byway;

(b) failure to have maintained or enhanced intrinsic values for which the scenic byway was designated;

(c) degradation of the intrinsic values for which the scenic byway was selected;

(d) segment of byway is not representative of the intrinsic values for which the scenic byway was designated and was included primarily for connectivity; or

(e) state scenic byway designation has become a liability to the corridor.

(8) Local governmentalLegislative bodies shall inform the committee and UDOT Program Development of their action to segment within 30 days of the date of the action to segment. The local governmentalLegislative body shall include the discussion of the specific reasons for segmenting. Reasons may include, but are not limited to those identified in R926-14-8(7)(a) through (e).

(~~[8]~~9) Parcels on existing byways may not be segmented out of a byway solely for the purpose of evading state and federal regulations pertaining to byway designation, but must also be considered non-scenic or otherwise meet the criteria listed in Paragraph (7). However, towns, cities, and counties may remove themselves entirely for any purpose, as provided in Title 72, Chapter 4.

(~~[9]~~10) State and federal highway regulations require that no regulated outdoor advertising be located within 500 feet of a designated scenic area. Therefore, the size of any parcel or parcels being considered for segmentation would need to be large enough to meet that offset requirement.

(~~[10]~~11) Upon receipt of the local governmentalLegislative body's action to ~~[request for]~~ segment ~~[ation]~~ ~~[-or de-designation]~~, the committee chair will add the ~~[request]~~ action to the agenda of the next committee meeting.

(~~[11]~~12) ~~[The committee will review the request at the next committee meeting and discuss at least the following:]~~ The local governmentalLegislative body shall provide the committee the following information at the next committee meeting:

(a) ~~[reasons for segmentation or de-designation]~~ the date of

segmentation, being the day the local governmentalLegislative body took action on the request to segment;

(b) ~~[whether segmentation or de-designation of the scenic byway will significantly degrade the statewide scenic byway system; and]~~ the defined limits of the segmented portion of the scenic byway, including route and milepost details and definitions;

(c) ~~[whether segmentation or de-designation is an attempt to evade applicable rules, regulations or requirements.]~~ the approved meeting minutes from the public meeting(s); and

(d) a copy of the signed resolution from the local governmentalLegislative body.

(~~[12]~~13) After the responsible governmentalLegislative body has heard and denied a request to segment a state scenic byway, the denial can be appealed to the committee. [The committee will act on a byway segmentation or de-designation request only after the responsible organization has held] The appeal must include information regarding the public hearings, [and submitted-]minutes of the hearings, including names and addresses of people making comments, a detailed summary of comments made, and proof of public notification.

(~~[13]~~14) Following discussion of the request or appeal, the committee will vote on the request for de-designation or appeal of the denial of segmentation[or de-designation]. The committee will then forward the result of the vote to the requesting governmentalLegislative body or appealing party. For segmentation [requests]denial appeals heard by the committee and for de-designation actions, the date of approval by the committee is considered the official date of the segmentation or de-designation, for the intent and purpose of how it affects byway program eligibility and subjection to byway regulations.

(~~[14]~~15) Upon approval or disapproval of a de-designation or segmentation request or decision on appeal, the acting body, whether the committee or the local legislative body, shall notify the Utah Office of Tourism, the department and other interested agencies of the action taken.

(a) In the case of approval of a de-designation or segmentation, the acting body will make a request to these agencies that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(b) In the case where the committee approves the de-designation of a scenic byway that had also been designated as a National Scenic Byway, the committee will inform the National Scenic Byway Program of the decision and make a request to the

NSBP that they modify reference of the segment, to reflect the change in scenic byway status, on maps and in materials and website applications identifying scenic byways.

(c) In the case of a local legislative action on a segmentation request, the legislative body shall also notify the committee and the local byway coordinator of the action taken. For segmentation requests heard by a local ~~governmental~~Legislative body, the date of approval by the local ~~governmental~~Legislative body is considered the official date of the segmentation, for the intent and purpose of how it affects byway program eligibility and subjection to byway regulations.

(~~15~~)16) Appeals to the committee concerning local legislative actions are handled as provided in Title 72, Chapter 4.

(~~16~~)17) On receiving notification of segmentation or designation, the department shall amend Rule 926-13 to update the description of the byway to reflect the approved changes. The department shall forward to the NSBP any changes that would have a substantive effect on online maps, brochures, or other publications of the NSBP. The department will also show substantive changes on the official highway map at its next printing.

R926-14-9. Local Government Consent.

Consent of affected local governments along the byway corridor is required by Title 72, Chapter 4 for any change in scenic byway status.

R926-14-10. Requirements for Public Hearings to Be Conducted Regarding Changes to Status of a State Scenic Byway and Related Notifications.

(1) Whenever changes to the scenic byway status of a corridor or of a segment thereof are considered, one or more public hearings must be held for the purpose of receiving the public's views and to respond to questions and concerns expressed before action is taken.

(a) The organization initiating the request for change in status is responsible for arrangement, notification, and execution of the hearing(s). The responsible organization may be:

(i) an organization (local scenic byway committee, community, county or association of governments) submitting an application or request to the committee;

(ii) the committee, in the case of a process initiated by the committee itself; or

(iii) a local legislative body considering a segmentation

request.

(b) The hearing(s) shall be held in the area affected by the proposed status changes.

(c) Multiple hearings in varied locations may be appropriate, based on the length of the corridor or the affected area within the corridor. The committee chair will review and approve the number and locations of hearings as proposed by the nominating organization to ensure collection of a broad base of public comments throughout the length of the corridor where the scenic byway status changes are proposed.

(d) The responsible organization shall invite the state committee and the local scenic byway committee to attend the public hearing(s).

(2) The required public hearing(s) may be held separately, or as an identifiable agenda item of a regular meeting of a governmental Legislative body.

(3) Notification of all public hearings shall be made as required by the laws governing the responsible organization.

(4) At a minimum, the following information related to the proposed change in status is to be addressed at each public hearing:

- (a) the impact on outdoor advertising;
- (b) the potential impact of traffic volumes;
- (c) the potential impact of land use along the byway;
- (d) the potential impact on grant eligibility; and
- (e) the potential impact on the local tourist industry.

(5) The responsible organization shall keep minutes of the hearing, including a detailed summary of comments and the names and addresses of those making comments and shall make these available to the committee, along with proof of required notifications.

KEY: transportation, scenic byways, highways

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